

scientific and medical equipment usage priority over LMS operations and, in turn, provides LMS operations priority over amateur usage and Part 15 spread spectrum equipment usage. Given this complex and inclusive spectrum hierarchy and the increasing demand for AVM and AVI services, it is particularly critical that any division of that band between AVM and AVI services incorporate sufficient flexibility to permit AVI systems to access unused AVM spectrum and AVM systems to access unused AVI spectrum.

To this end, IVHS AMERICA urges the FCC to permit secondary AVI operations (on a non-interfering basis) in any AVM allocation, and secondary AVM operations (on a non-interfering basis) in any AVI allocation. This will provide a mechanism to encourage AVM and AVI licensees to work together to co-exist in an interference-managed environment.

IVHS AMERICA further suggests that the FCC consider establishing a six year "sunset" on the division of the AVM and AVI allocations. After the sunset, AVM and AVI licensees would have access on an equal basis to unlicensed spectrum throughout the 902-928 MHz band.

Finally, IVHS AMERICA believes that the public interest will be served by the adoption of rules that encourage the usage of the most current technology available. In the Society's view, AVM and AVI services and technologies are still emerging and the state-of-the-art is likely to evolve considerably over the course

of the next five years. Accordingly, the adoption of permanent rules in this proceeding that provide the flexibility to enable AVM and AVI systems to evolve with technology and to permit and encourage AVM and AVI licensees to address and resolve interference issues will enhance the efficiency of usage of the 902-928 MHz band and thereby will serve the public interest.

CONCLUSION

For these reasons, IVHS AMERICA supports the adoption of permanent rules governing the provision of AVM and AVI services in the 902-928 MHz consistent with the principles stated above.

Respectfully submitted,

IVHS AMERICA

By:


Robert B. Kelly

KELLY, HUNTER, MOW & POVICH, P.C.
1133 Connecticut Ave., N.W.
Washington, D.C. 20036
(202) 466-2425

ITS COUNSEL

June 29, 1993